



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

Does the state of Mississippi recognize Idaho's Concealed Weapons License?

Regular: IDAHO CODE § 18-3302
 Enhanced: IDAHO CODE § 18-3302K
 Both *subject to the limitations stated in*
 Neither *the opinion of the Attorney General*
issued on August 1, 2014.

Does the state of Mississippi require a reciprocity agreement?

No
 Yes

If yes, is a formal agreement, such as a Memorandum of Agreement, required or will a less formal agreement, such as exchange of letters acknowledging reciprocity of our states' Concealed Weapons Licenses suffice?

Memorandum of Agreement
 Exchange of Letters

Odis Easterling
 Name
Director, Firearms Unit
 Title
2 September 2014
 Date
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 Telephone

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STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

August 1, 2014

Odis Easterling
Director, Firearms Unit
Mississippi Department of Public Safety
Post Office Box 958
Jackson, MS 39205-0958

Re: Recognition of Concealed Weapon Carry Weapons Licenses Issued by
Other States

Dear Mr. Easterling:

OFFICIAL OPINION

Attorney General Jim Hood has received your request for an official opinion and assigned it to me for research and response.

Facts and Issues Presented

Your letter states that the Mississippi Department of Public Safety ("DPS") recently received an inquiry from the State of Idaho concerning recognition of that state's regular and enhanced carry licenses. You note that Idaho law, unlike Mississippi law, allows applicants that are at least 18 years of age to receive a regular carry permit. In this regard, this office notes that recent amendments to Section 45-9-101(13) do allow applicants who are 18 years of age to obtain a Mississippi concealed carry license if the person is a member or veteran of the United States Armed Forces and the applicant holds a valid Mississippi driver's license with the "Veteran" designation. Under Idaho law, a holder of an enhanced license must be at least 21 years of age.¹

Your letter notes that pursuant to Section 45-93-101(19) the Legislature has authorized "any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols, or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers." Your letter

¹ Your letter states that Mississippi law also only allows enhanced licenses to be issued to applicants over 21 years old. Our review of the statutes indicated no restrictions on a person who is 18 years of age and otherwise eligible for a concealed carry license from being able to obtain an enhanced carry endorsement under Section 97-37-7(2) to his concealed carry license.

notes that Section 97-37-7(2) does not contain similar language.

Your precise opinion request states as follows:

Please render an opinion stating whether Mississippi's recognition of out-of-state concealed weapons licenses is limited to regular licenses or if it applies to enhanced licenses as well. Also, please render an opinion whether Mississippi may recognize an Idaho concealed carry license issued to a person who is under 21 years of age.

Response and Legal Analysis

With regard to your second request concerning whether Mississippi would recognize a sister state's concealed carry license issued to a person over 18² but younger than 21, it is the opinion of this office that the answer is yes. Section 45-9-101(18) specifically states that anyone holding a "valid unrevoked and unexpired license to carry stun guns, concealed pistols, or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers . . ." The statute does not authorize officials to go beyond the face of an out-of-state license to determine what requirements that other state may have placed on obtaining the concealed weapons license. If the license is valid, unrevoked and applies to the concealed carry of stun guns, pistols and revolvers, then the license "shall be recognized" in this state. This would apply even if the holder were only 18 years of age.^{3,4}

The first part of your question seeks our opinion on whether recognition of out-of-state

² See generally, Section 97-37-13 regarding providing weapons to minors under the age of 18.

³ Our opinion could be different if another state allowed permits to be issued to minors. By statute, Mississippi makes the providing of such a weapon to a minor a crime. Where accepting another state's permit would directly violate penal statutes of this state such as prohibitions against minors having weapons, our opinion would most likely be different. This issue is not raised by your request and, accordingly, not answered herein.

⁴ Mississippi law only allows for the licensed carry of concealed stun guns, pistols and revolvers. Idaho law, according to the Idaho Attorney General's webpage allows concealed license holders to also carry, concealed the following: "[A]ny dirk, dirk knife, bowie knife, dagger, pistol, revolver or any other deadly or dangerous weapon." An Idaho concealed license holder in this State would not be authorized to carry concealed "any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm . . ." See Miss. Code Ann. Section 97-37-1 (as amended).

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concealed weapons licenses applies only to regular concealed licenses or enhanced licenses as well. Your letter suggests that because Section 45-9-101 contains out-of-state recognition language and Section 97-37-7(2) does not, out-of-state recognition should only be given to regular concealed licenses. The premise of your letter appears to be that there are two distinct Mississippi concealed carry licenses. We do not read the statute in that manner. In our opinion, all licenses are issued pursuant to Section 45-9-101. Section 97-37-7(2) simply provides that "[a] person licensed under Section 45-9-101" who voluntarily completes an instructional course may carry in additional places such as courtrooms except during a judicial proceeding, and locations listed in Section 45-9-101(13). Thus, it is our opinion that all licenses, enhanced and regular, are issued pursuant to Section 45-9-101, and the fact that Section 97-37-7 does not contain language concerning out-of-state recognition does not govern whether this state will recognize out-of-state licenses.

However, we do not believe that the fact that Mississippi would recognize an "enhanced" out-of-state permit requires that the designation of the out-of-state license as "enhanced" controls where that person may carry a weapon while in this State. Section 45-9-101(13) states where a concealed license holder cannot carry a concealed pistol, revolver or stun gun. Section 97-37-7(2) grants additional carry rights to certain individuals. Those individuals, however, are only those persons who are "licensed under Section 45-9-101" and who complete a voluntary course of instruction. Individuals with out-of-state concealed licenses, of any type, are not licensed "under Section 45-9-101." For this reason, it is the opinion of this office that out-of-state concealed license holders are not authorized to carry weapons in those places listed in Section 45-9-101(13).⁵

Conclusion

To summarize, it is the opinion of this office that Mississippi law requires the recognition of a valid, unrevoked out-of-state concealed carry license properly issued to an individual 18 years or older under the law of another state. Additionally, it is the opinion of this office that out-of-state concealed license holders are not authorized to carry weapons in those places listed in Section 45-9-101(13), which is limited to enhanced license holders licensed under Section 45-9-101 with the enhanced carry rights granted under Section 97-37-7(2).

If this office can be of further assistance, do not hesitate to contact us.

⁵ Stated otherwise, the carry rights of out-of-state concealed licensed holders are governed by Mississippi law, not the law of the issuing jurisdiction. As previously noted, Idaho, as an example, authorizes holders of its enhanced licenses to carry concealed weapons other than pistols, revolvers or stun guns. An Idaho licensee would not be authorized to carry those other weapons in Mississippi nor would that person be authorized to carry in those places authorized only for Mississippi licensees who have completed an instructional course.

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Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Ricky G. Luke
Assistant Attorney General

OFFICIAL OPINION